

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, SEPTEMBER 12, 2019**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Janous, Leigh, Acting Chairman; Deputy Attorney General, Representing Attorney General Jim Hood
Graham, Jesse, Deputy Treasurer; Representing State Treasurer Lynn Fitch
Jackson, Laura, Executive Director, MS Department of Finance & Administration
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney
Rikard, Gary; Executive Director, MS Department of Environmental Quality
Smith, Denita; Representing Public Safety Commissioner Marshall Fisher

Also present were:

Donaldson, Bruce; Tort Claims Board
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Milner, Steve; Tort Claims Board
Schmidt, Anthony; Department of Public Safety
Smith, Dan; Attorney General's Office
Wells, Lisa; Cannon Cochran Management Services Inc.
Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Mrs. Jackson to approve the minutes of the July 11, 2019, meeting as amended. Mr. Rikard seconded the motion, which passed unanimously.

In Old Business, Mrs. McElroy provided Board members with a breakdown of the \$4.6 million assessment by agency. Invoices will go out by the end of the month and agencies have the option to pay in full or pay half now and half January 1, 2020. This breakdown is provided for informational purposes only as the assessment was approved by the Board in July.

Mrs. Kelsey entered the meeting.

In New Business, Mrs. McElroy presented a contract amendment for Riskconnect ClearSight LLC (formerly Marsh ClearSight LLC) continuing our relationship for the Risk Management Information System for one additional year beginning October 1, 2019, and ending September 30, 2020. The annual price of \$57,015 reflects a general increase of 5%, for a total of

\$2,715 over our current contract pricing. Mrs. Jackson made a motion to approve the contract amendment, which was seconded by Mrs. Kelsey and unanimously approved.

Mrs. McElroy requested the agenda be revised to include one more item of New Business. She then made members aware of a public records request from The Washington Post requesting “disclosure of all risk management claim information maintained in the department’s computerized claims tracking system. The records disclosed pursuant to this request will be used in the preparation of news articles for dissemination to the public.” It was requested that any fees associated with the request be waived; however, Board members unanimously agreed to charge the Post per the Tort Claims Board Rules.

Mr. Logan presented a final financial summary for fiscal year 2019 through August 31, 2019. Our primary expenditure through the lapse period is for legal expense, and we paid just under \$55,000 during this lapse period. We also paid \$8,266 in administrative expenses, for a total of \$63,098 for the lapse period. For the fiscal year, we spent just over 55% of our total appropriation. Mr. Logan also presented a financial report for fiscal year 2020 through August 31, 2019. Total expenses for the first two months are \$1.3 million. Total funds are at \$15 million between investments, cash in the Treasury, and the TPA account at Trustmark, with \$7.2 million in reserves and \$7.8 million in unencumbered funds. We’ve paid \$455,000 in claim payments and just over \$36,000 in legal expenses. The Average Claim Paid for the period is just over \$4,142 and Average Reserve is \$13,744. Looking at the Budget Comparison Report, we have spent 14% of our total budget appropriation.

Mr. Wilson presented a brief investment report through August 2019. The portfolio has a book value of \$12.579 million, with a market value of \$12.568 million – immaterial \$11,000 difference. For the calendar year, the internal rate of return is at 1.66%, and is anticipated to be between 2.34-2.50% by year end. The year to date earnings for the calendar year are currently just under \$150,000 compared to \$270,000 for the fiscal year – all higher than we’ve been in the last 5 years.

Mr. Milner provided members a report of his Loss Control activities since the last Board meeting, noting his upcoming work with the Mississippi State Fair beginning October 1, MEMA Fall Meeting September 19th, and monthly Capitol Facilities Tenant Meetings to help identify liability exposures.

Mrs. McElroy presented one (1) attorney for inclusion in the approved Attorney Register: Elliott V. Haller with Maxey Wann PLLC in Jackson. Mr. Haller does meet the eligibility requirements of the Board and staff recommends approval. Mrs. Jackson moved to approve and Mrs. Kelsey seconded. The motion passed unanimously.

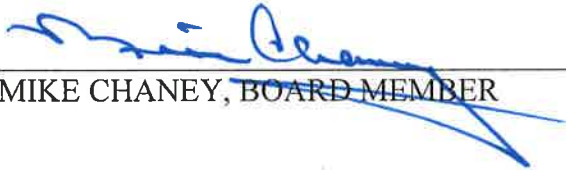
Mrs. McElroy presented a list of 51 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Jackson made a motion to approve the list and Mrs. Kelsey seconded the motion, which passed by unanimous vote.

There was no Claims Report.

There being no further business to come before the Board, the meeting was adjourned.



STEVE EDDS, CHAIRMAN



MIKE CHANEY, BOARD MEMBER



LYNN FITCH, BOARD MEMBER



JIM HOOD, BOARD MEMBER



LAURA D. JACKSON, BOARD MEMBER

GARY RIKARD, BOARD MEMBER



MARSHALL FISHER, BOARD MEMBER

Mississippi Tort Claims Board
September 12, 2019 - 1:30pm
Conference Center North, Room 138
First Floor, Woolfolk Building
Jackson, Mississippi

ATTENDANCE LIST

<u>NAME</u>	<u>DEPARTMENT/COMPANY</u>
✓ Jeff Nelson	Trinity Capital
✓ Leigh Anne Janous	for Office of the Attorney General
✓ Denita N. Smith	DPS
✓ [Signature]	TCB
✓ [Signature]	TCB
✓ [Signature]	TCB
✓ Dan Smith	AG
✓ Gary C. [Signature]	MDEQ
✓ Jim Wells	CCMSI
✓ Anthony Schmidt	DPS
✓ Jesse Graham	OST
✓ Steven [Signature]	TCB
✓ [Signature]	MID
✓ Lea Ann McElroy	TCB
✓ LAURA JACKSON	DFA

Mississippi Tort Claims Board
Thursday, September 12, 2019 – 1:30 P.M.

AGENDA

- I.** Approval of Minutes
 - A. July 11, 2019

- II.** Old Business
 - A. Assessments by Agency

- III.** New Business
 - A. Riskconnect Contract

- IV.** Financial Reports
 - A. Financial Report – Jim Logan
 - B. Investment Report – Jeff Wilson

- V.** Loss Control – Steve Milner

- VI.** Attorney General’s Report – Lea Ann McElroy

- VII.** Certificates of Coverage – Lea Ann McElroy

- VIII.** Claims Report – Bruce Donaldson

- IX.** Adjournment

Next meeting date and time: November 14, 2019 – 1:30 P.M.
Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, JULY 11, 2019**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Whitley, Onetta, Acting Chairman; Deputy Attorney General, Representing Attorney General Jim Hood
Brown, Eric; Representing Public Safety Commissioner Marshall Fisher
Causey, Kim; Representing Insurance Commissioner Mike Chaney
Jackson, Laura, Executive Director, MS Department of Finance & Administration
Williams, Michelle, Chief of Staff; Representing State Treasurer Lynn Fitch

Also present were:

Burkhalter, Chris; Bickerstaff, Whatley, Ryan & Burkhalter
Donaldson, Bruce; Tort Claims Board
Kelly, Trina; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Milner, Steve; Tort Claims Board
Smith, Dan; Attorney General's Office
Stephenson, Matt; Bickerstaff, Whatley, Ryan & Burkhalter
Wells, Lisa; Cannon Cochran Management Services Inc.
Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Mrs. Williams to approve the minutes of the May 9, 2019, meeting. Mrs. Causey seconded the motion, which passed unanimously.

There was no Old Business.

Mrs. Jackson entered the meeting.

In New Business, actuary Chris Burkhalter presented his report reviewing fiscal year 2019 and providing funding recommendations for fiscal year 2021 (which will be collected in fiscal year 2020). There are two facets to this report: (1) the overall financial audit of the Fund at June 30, 2019, quantifying the total reserve, and (2) assessments. Reserves include case reserves (set by staff for claims in-hand), actuarial reserves (IBNR – Incurred But Not Reported – or claims that could aggravate), and unearned premium reserve or the exposure we have left. Looking at assets compared to the total amount of reserves, we are near the break-even point. The claim count for fiscal year 2019 is an all-time low at just under 900 and continues a

downward trend. The other side of the loss picture is claim severity, which is trending upward overall. The long-term annual trend is up 3.1%, and in the last ten years is up 4.5%. Overhead expenses are consistent, averaging just under \$1 million over the last five years, and very low as a percentage of total expenditures (about 20%), which compares very favorably with the insurance industry (about 35%). This means for every dollar we take in, we have more available to pay claims with, and represents a very efficient operation. The assessment recommendations for fiscal year 2021 range from \$3.9 million (low) to \$5.3 million (high), with the recommendation being the central estimate of \$4.6 million. The estimated cash need for claims paid out over the next fiscal year is between \$4.4 - \$5.5 million. Following discussion, Mrs. Jackson made the motion to accept the central estimate of \$4.6 million. Mrs. Williams seconded the motion, which passed by unanimous vote. A breakdown of the assessment by agency will be provided at the September meeting.

Also under New Business, Mrs. McElroy presented the Budget Request for Fiscal Year Ending June 30, 2021. The 2021 request is a \$6.5 million request in Special Fund authority - a level request from the fiscal year 2020 Special Fund appropriation. Mrs. Williams made a motion to approve the budget request as presented. Mrs. Causey seconded the motion, which passed unanimously.

In the absence of Mr. Logan, Mrs. McElroy presented the financial report for fiscal year 2019 through June 30, 2019. Total revenue is \$6.6 million and total expenses are \$4.9 million.. Totals funds of \$15.6 million include \$3 million cash in the Treasury, \$12.5 million in investments, and \$168,000 in the TPA account. Mrs. McElroy advised that we have \$6.7 million in reserves. Looking at the Claims/Reserves Detail, claim payments are down about 50% from last year, legal expenses are up about 14% over last year, and other expenses are also down about 50%. The number of claims created is a new all time low at 869, which is 149 fewer than last year, and we paid 99 fewer claims than last year. Looking at the Budget Comparison Report, spending in each category was on track and we spent 54% of our budget overall.

Mr. Wilson presented the investment report through June 2019. The portfolio has a book value of \$12.535 million, with a market value of \$12.5 million. The reduction in the unrealized loss of the portfolio is as low as it has been in the last five years. The internal rate of return is at 2.34% for the fiscal year, which is right in line with the current yield of the portfolio. The market yield, however, has dropped dramatically. Earnings for the fiscal year are just over \$270,000 which is the most the portfolio has earned in the last four to five years. Looking at the Performance Report and specifically the Investment Performance Comparison, the portfolio outperformed the custom index on a total return basis all year until May when the interest rate dropped. But the portfolio performed just the way we hoped it would, and 4.25% is a good number for how we structure the portfolio. Looking at portfolio composition, we end the fiscal year a little over the goal in cash and Treasuries, but those will adjust as we bring the Mortgage-Backed Securities up to the maximum allowed.

Mr. Milner provided members a report of his Loss Control activities since the last Board meeting, noting his upcoming work with the Mississippi Department of Rehabilitation Services and AbilityWorks as they prepare for their annual CARF accreditation. (CARF stands for

Commission on Accreditation of Rehabilitation Facilities.) In addition, new trooper ride-alongs will begin in August.

There was no Attorney General's Report.

Mrs. McElroy presented a list of 60 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Williams made a motion to approve the list and Mrs. Jackson seconded the motion, which passed by unanimous vote.

For the Claims Report, Mrs. Williams made a motion to enter into a Closed Determination Session to determine whether or not we have an appropriate subject matter with which to enter into Executive Session. The motion was seconded by Mrs. Jackson and passed. Those not involved with the claims were excused. Following discussion, Mrs. Jackson made a motion to enter Executive Session for the purpose of discussing two claims pursuant to Mississippi Code §25-41-7(4)(b) litigation exemption. Mrs. Causey seconded the motion, which passed. The Executive Session was announced. Two claims were discussed. Mrs. Jackson made a motion to exit Executive Session, seconded by Mrs. Causey, which passed. The end of Executive Session was announced.

There being no further business to come before the Board, the meeting was adjourned.

STEVE EDDS, CHAIRMAN



MIKE CHANEY, BOARD MEMBER



LYNN FITCH, BOARD MEMBER



JIM HOOD, BOARD MEMBER



LAURA D. JACKSON, BOARD MEMBER



GARY RIKARD, BOARD MEMBER



MARSHALL FISHER, BOARD MEMBER

**State of Mississippi
Tort Claims Fund
FY 2020-2021 Agency Assessment Calculation
Estimated Assessment by Agency**

	(1)	(2)	(3)	(4)	(5)	(6)
<u>Agency</u>	<u>Proposed Balanced Relativity</u>	<u>Rate per \$100 Payroll</u>	<u>FY 2018-19 Payroll</u>	<u>Estimated Assessment</u>	<u>Estimated Prior Assessment</u>	<u>Change</u>
1 SENATE	0.266	\$0.079	4,634,332	3,655	3,451	5.9%
2 HOUSE OF REPRESENTATIVES	0.265	\$0.079	6,824,704	5,365	4,886	9.8%
3 LEGISLATURE JOINT OPERATIONS	0.278	\$0.082	641,820	529	570	-7.2%
21 PEER	0.267	\$0.079	2,039,142	1,615	1,460	10.6%
25 LEGISLATIVE BUDGET OFFICE	0.257	\$0.076	2,718,700	2,070	1,940	6.7%
51 SUPREME COURT	0.297	\$0.088	55,976,955	49,357	55,283	-10.7%
71 ATTORNEY GENERAL	0.449	\$0.133	24,366,149	32,454	31,795	2.1%
91 OFFICE OF THE STATE PUBLIC DEFENDER	0.382	\$0.113	3,333,616	3,777	3,374	12.0%
95 ETHICS COMMISSION	0.283	\$0.084	510,384	429	394	9.0%
96 JUDICIAL PERFORMANCE, COMMISSION ON	0.313	\$0.093	428,428	398	388	2.4%
101 GOVERNOR'S OFFICE	0.276	\$0.082	2,379,857	1,947	1,724	12.9%
111 SECRETARY OF STATE	0.401	\$0.119	6,359,632	7,558	7,211	4.8%
130 FINANCE AND ADMINISTRATION, DEPARTMENT OF	0.363	\$0.108	50,580,532	54,435	49,430	10.1%
155 AUDIT, DEPARTMENT OF	0.368	\$0.109	9,657,697	10,536	12,565	-16.1%
171 TREASURER, STATE	0.264	\$0.078	2,598,939	2,036	1,916	6.3%
181 TAX COMMISSION	0.521	\$0.154	38,375,848	59,286	65,925	0.0%
184 BOARD OF TAX APPEALS	0.352	\$0.104	440,134	459	480	-4.5%
185 GAMING COMMISSION	0.731	\$0.217	7,219,668	15,660	19,484	-19.6%
201 EDUCATION, DEPARTMENT OF	0.520	\$0.154	38,153,136	58,877	74,001	-20.4%
235 REHABILITATION SERVICES, DEPARTMENT OF	0.652	\$0.193	45,916,281	88,800	110,673	-19.8%
245 LIBRARY COMMISSION	0.268	\$0.080	2,185,436	1,740	1,690	3.0%
247 EDUCATIONAL TELEVISION	0.448	\$0.133	5,159,013	6,852	8,395	-18.4%
277 MS COMM FOR VOLUNTEER SERVICES	0.361	\$0.107	882,194	945	1,037	-8.8%
291 COMMUNITY & JUNIOR COLLEGES	0.325	\$0.096	6,288,908	6,062	5,617	7.9%
301 HEALTH, DEPARTMENT OF	0.370	\$0.110	93,815,317	102,960	92,855	10.9%
328 MEDICAID	0.268	\$0.080	50,249,440	39,993	40,674	-1.7%
371 MENTAL HEALTH, DEPARTMENT OF	0.637	\$0.189	285,670,472	539,959	554,173	-2.6%
401 AGRICULTURE AND COMMERCE, DEPARTMENT OF	1.354	\$0.402	9,106,171	36,579	35,024	4.4%
411 DEVELOPMENT AUTHORITY, MISSISSIPPI	0.387	\$0.115	14,940,327	17,176	16,019	7.2%
428 ANIMAL HEALTH	0.468	\$0.139	1,276,723	1,771	1,946	-9.0%
431 FAIR COMMISSION	5.673	\$1.683	1,164,894	19,605	18,950	3.5%
450 MARINE RESOURCES	0.591	\$0.175	9,144,584	16,021	19,160	-16.4%
451 FORESTRY COMMISSION	1.353	\$0.401	12,776,246	51,286	43,333	18.4%
454 INSTITUTE FOR FOREST INVENTORY	0.740	\$0.220	-	-	-	100.0%
464 WILDLIFE, FISHERIES AND PARKS	2.340	\$0.694	28,712,366	199,341	187,023	6.6%
470 ENVIRONMENTAL QUALITY	0.545	\$0.162	27,263,376	44,081	40,068	10.0%
472 GRAND GULF MILITARY MONUMENT COMMISSION	1.254	\$0.372	190,144	707	651	8.7%
475 ARCHIVES AND HISTORY	0.504	\$0.149	8,279,933	12,373	12,829	-3.6%
486 SOIL AND WATER CONSERVATION COMMISSION	0.386	\$0.114	813,114	930	978	-4.9%
491 OIL AND GAS BOARD	1.156	\$0.343	1,557,579	5,343	5,471	-2.3%
501 INSURANCE, DEPARTMENT OF	0.325	\$0.097	8,839,530	8,536	8,844	-3.5%
502 FIRE ACADEMY, STATE	0.267	\$0.079	3,724,880	2,951	2,799	5.4%
511 BANKING AND CONSUMER FINANCE, DEPARTMENT OF	0.259	\$0.077	7,221,236	5,557	5,131	8.3%
521 WORKERS' COMPENSATION COMMISSION	0.266	\$0.079	4,250,183	3,352	3,225	3.9%
531 PUBLIC EMPLOYEES RETIREMENT SYSTEM	0.455	\$0.135	10,120,673	13,660	12,076	13.1%
551 CORRECTIONS, DEPARTMENT OF	0.618	\$0.183	100,802,571	184,811	179,351	3.0%
601 INFORMATION TECHNOLOGY SERVICES	0.274	\$0.081	9,468,856	7,705	7,757	-0.7%
614 PERSONNEL BOARD, STATE	0.273	\$0.081	3,184,550	2,582	2,711	-4.8%
651 HUMAN SERVICES, DEPARTMENT OF	0.636	\$0.189	147,822,483	278,802	336,935	-17.3%
671 EMPLOYMENT SECURITY COMMISSION	0.286	\$0.085	22,655,375	19,213	23,390	-17.9%
701 MILITARY DEPARTMENT	0.522	\$0.155	42,780,598	66,270	78,477	-15.6%
711 PUBLIC SAFETY	3.058	\$0.907	83,275,987	755,532	763,521	-1.0%
718 NARCOTICS, BUREAU OF	1.171	\$0.347	10,070,998	34,975	44,546	-21.5%
721 EMERGENCY MANAGEMENT	0.821	\$0.244	7,656,290	18,650	16,683	11.8%
731 VETERANS' AFFAIRS BOARD	1.141	\$0.338	23,780,507	80,474	96,326	-16.5%
734 VETERANS' HOME PURCHASE BOARD	0.336	\$0.100	1,123,673	1,121	1,315	-14.8%
811 PUBLIC SERVICE COMMISSION	0.384	\$0.114	5,611,725	6,395	6,020	6.2%
820 AUCTIONEER COMMISSION	0.538	\$0.160	1,190	2	69	-97.2%
821 NURSING HOME ADMINISTRATORS, BOARD OF	0.369	\$0.110	122,417	134	139	-3.4%
822 COSMETOLOGY, BOARD OF	0.291	\$0.086	364,336	314	334	-6.1%
824 DENTAL EXAMINERS, BOARD OF	0.308	\$0.092	345,583	316	458	-31.0%

State of Mississippi
Tort Claims Fund
FY 2020-2021 Agency Assessment Calculation
Estimated Assessment by Agency

	(1)	(2)	(3)	(4)	(5)	(6)
Agency	Proposed Balanced Relativity	Rate per \$100 Payroll	FY 2018-19 Payroll	Estimated Assessment	Estimated Prior Assessment	Change
827 VETERINARY EXAMINERS	1.245	\$0.369	1,462	5	7	-25.4%
828 BOARD OF PHYSICAL THERAPY	0.535	\$0.159	159,353	253	313	-19.3%
829 MEDICAL LICENSURE, BOARD OF	0.282	\$0.084	1,712,534	1,434	1,105	29.8%
831 OPTOMETRY	0.903	\$0.268	92,060	247	285	-13.4%
832 REAL ESTATE COMMISSION	0.458	\$0.136	869,772	1,182	1,788	-33.9%
833 FUNERAL SERVICES, BOARD OF	0.374	\$0.111	65,003	72	75	-3.4%
834 CONTRACTORS, BOARD OF	0.270	\$0.080	972,128	779	716	8.8%
836 REAL ESTATE APPRAISAL LICENSE BOARD	0.322	\$0.096	205,428	197	222	-11.3%
838 NURSING, BOARD OF	0.528	\$0.157	1,635,832	2,563	3,344	-23.4%
839 MOTOR VEHICLE COMMISSION	0.320	\$0.095	263,686	250	255	-1.8%
840 BARBER EXAMINERS, BOARD OF	0.349	\$0.104	145,087	150	164	-8.2%
841 ENGINEERS & LAND SURVEYORS, REGISTRATION FOR PROFESSIONALS	0.303	\$0.090	358,184	321	360	-10.6%
843 ATHLETIC COMMISSION	0.410	\$0.122	44,401	54	58	-7.0%
844 REGISTRATION FOR FORESTERS	1.182	\$0.351	1,160	4	5	-24.5%
845 PUBLIC ACCOUNTANCY, BOARD OF	0.751	\$0.223	394,226	878	785	11.9%
846 PHARMACY, BOARD OF	0.483	\$0.143	1,535,544	2,202	3,000	-26.6%
847 MS COMMISSION ON THE STATUS OF WOMEN	0.888	\$0.263	-	-	0	-100.0%
848 ARCHITECTURE, BOARD OF	0.356	\$0.106	157,275	166	203	-18.1%
849 CHIROPRACTIC EXAMINERS	0.798	\$0.237	46,213	109	120	-9.2%
857 BOARD OF MASSAGE THERAPY	1.186	\$0.352	2,320	8	6	29.2%
858 PROFESSIONAL GEOLOGISTS	0.532	\$0.158	87,675	138	153	-9.6%
859 SOCIAL WORKERS AND MARRIAGE/FAMILY THERAPISTS, BOARD OF	0.389	\$0.115	157,518	182	200	-9.3%
860 PROFESSIONAL COUNSELORS	0.885	\$0.262	89,494	235	259	-9.3%
865 ARTS COMMISSION	0.276	\$0.082	761,788	623	625	-0.3%
936 PORT AUTHORITY AT GULFPORT	1.038	\$0.308	4,226,654	13,013	13,214	-1.5%
939 YELLOW CREEK INLAND PORT AUTHORITY	0.507	\$0.150	914,000	1,376	1,124	22.3%
941 TRANSPORTATION, DEPARTMENT OF	3.028	\$0.898	163,653,956	1,470,052	1,505,746	-2.4%
947 STATE AID ROAD DIVISION	0.493	\$0.146	3,502,366	5,128	6,333	-19.0%
950 PAT HARRISON WATERWAY DISTRICT	3.230	\$0.958	2,165,634	20,754	33,628	-38.3%
955 PEARL RIVER BASIN DEVELOPMENT DISTRICT	2.557	\$0.759	-	-	1,815	-100.0%
970 PEARL RIVER VALLEY WATER SUPPLY DISTRICT	4.929	\$1.462	5,408,344	79,086	97,105	-18.6%
980 TOMBIGBEE RIVER VALLEY WATER MANAGEMENT DIVISION	0.305	\$0.090	1,178,324	1,066	1,140	-6.4%
992 BLIND, INDUSTRIES FOR THE	0.264	\$0.078	3,740,528	2,931	2,849	2.9%
9200 CHARTER SCHOOL AUTH BOARD	0.709	\$0.210	104,435	220	51	334.7%
Total	1.000	\$0.297	1,550,508,221	4,600,000	4,800,000	-4.2%

NOTES

(4) to be collected during FY 2019-20 for FY 2020-21 exposure

(5) was collected during FY 2018-19 for FY 2019-20 exposure



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
STEPHEN C. EDDS, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
MARSHALL L. FISHER, Commissioner
Department of Public Safety
LYNN FITCH, Treasurer
Department of Treasury

JIM HOOD, Attorney General
Office of Attorney General
LAURA D. JACKSON, Executive Director
Department of Finance and Administration
GARY RIKARD, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: MS Tort Claims Board
FROM: Lea Ann McElroy
DATE: September 12, 2019
RE: Riskonnect Contract

RECOMMENDATION: Staff recommends approval of contract amendment as noted.

Riskonnect ClearSight LLC (formerly Marsh ClearSight LLC) – This contract continues our relationship with Riskonnect for our Risk Management Information System (RMIS) known as CS STARS. This renewal is for a one-year period beginning October 1, 2019, and ending September 30, 2020. The new annual price of \$57,015 reflects a 5% increase in the Licenses and ASP Services Fees, and a 6% increase in the Annual Maintenance, for a total of \$2,715 over our previous contract pricing. This will be our eleventh (11th) year with the system.

Riskonnect will no longer sign multi-year contracts that include a "Termination for Convenience" clause, and ITS will not allow us remove that clause. As a result, ITS has agreed to allow us to work on a year-to-year basis to maintain our current system.

**PROJECT NUMBER 45138
AMENDMENT # 6 TO
SOFTWARE LICENSE & APPLICATION SERVICE PROVIDER AGREEMENT
BETWEEN
RISKONNECT CLEARSIGHT LLC
(FORMERLY MARSH CLEARSIGHT LLC)
AND
MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES
AS CONTRACTING AGENT FOR THE
MISSISSIPPI TORT CLAIMS BOARD
(ORIGINAL PROJECT NUMBER 37521)**

This document (hereinafter referred to as "Amendment Number 6") shall serve to amend the original Software License & Application Service Provider Agreement executed on February 4, 2009 and amended on October 4, 2012, April 17, 2014, September 23, 2015, July 13, 2018, and July 19, 2019 (hereinafter referred to as "Agreement"), between Riskonnect ClearSight LLC (formerly Marsh ClearSight LLC), a Delaware limited liability company having its principal place of business at 1701 Barrett Lakes Boulevard, Suite 500, Kennesaw, Georgia 30144 (hereinafter referred to as "Licensor"), and the Mississippi Department of Information Technology Services having its principal place of business at 3771 Eastwood Drive, Jackson, Mississippi 39211 (hereinafter referred to as "ITS"), as contracting agent for the Mississippi Tort Claims Board located at 501 North West Street, Suite 1301-C, Jackson, Mississippi 39201 (hereinafter referred to as "Client"). ITS and Client are sometimes collectively referred to as "State".

NOW THEREFORE, ITS, Client, and Licensor, by entering into this Amendment Number 6, mutually agree that the following provisions shall modify the aforementioned Agreement:

- 1) Article 6(a) "Term" shall be and hereby is amended so as to renew the Agreement and its accompanying Statements of Work for one (1) additional year beginning October 1, 2019, and continuing through the close of business on September 30, 2020.
- 2) Article 4(a) "Fees" shall be and hereby is amended so as to add the following: "As consideration for the performance of this Amendment Number 6, Client shall pay Licensor according to the costs specified in Exhibit A-5 which is attached to this Amendment Number 6 and incorporated herein by reference, not to exceed the specified sum of \$57,015.00."
- 3) The first sentence of Article 4(b) "Invoices and Expenses" shall be and hereby is revised to read as follows: "Client shall pay to Licensor the Fees in accordance with the Pricing and Invoice Schedule set forth in the attached Exhibit A, Exhibit A-1, Exhibit A-2, Exhibit A-3, Exhibit A-4, and Exhibit A-5."

All other terms and conditions of the Agreement executed on February 4, 2009 and amended on October 4, 2012, April 17, 2014, September 23, 2015, July 13, 2018, and July 19, 2019, shall remain unchanged and in full force and effect.

**State of Mississippi, Department of
Information Technology Services, on
behalf of Mississippi Tort Claims Board**

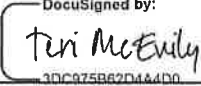
By: _____
Authorized Signature

Printed Name: Craig P. Orgeron, Ph.D.

Title: Executive Director

Date: _____

**Riskconnect ClearSight LLC (formerly
Marsh ClearSight LLC)**

By:  _____
Authorized Signature

Printed Name: Teri McEvily _____

Title: CFO _____

Date: 8/19/2019 _____

Mississippi Tort Claims Board

By: _____
Authorized Signature

Printed Name: Stephen C. Edds

Title: Chairman

Date: _____

**EXHIBIT A-5
PRICING AND INVOICE SCHEDULE**

DELIVERABLE	FEES	PAYMENT SCHEDULE
Year 11 Licenses and ASP Services Fees (SOW#1) (10/1/2019 – 9/30/2020)	\$50,715.00	This is an annual amount to be billed quarterly in four (4) payments of \$4,226.25 on 11/30/2019, 2/28/2020, 5/31/2020, 8/31/2020
Travel	\$1,000.00	This is one (1) trip for one (1) team member not to exceed \$1,000.00
Year 11 Annual Maintenance for Advanced Feature Setup and Universal Solutions (SOW#2) (10/1/2019 – 9/30/2020)	\$5,300.00	This is an annual amount to be billed quarterly in four (4) payments of \$1,325.00 on 11/30/2019, 2/28/2020, 5/31/2020, 8/31/2020
TOTAL:	\$57,015.00	

MISSISSIPPI TORT CLAIMS BOARD**Tort Claims Fund (Treasury Fund 3081)**

Financial Report - Fiscal Year 2019

-----CASH FLOW ANALYSIS-----

	LAPSE	Previous Total	YTD Total
REVENUE:			
Assessments Received	0.00	4,797,296.17	4,797,296.17
Interest	0.00	50,814.19	50,814.19
Investment Interest	0.00	272,796.95	272,796.95
Sale of Scrap	0.00	576.00	576.00
	0.00	200.00	200.00
Transfer of Funds - In	0.00	1,500,000.00	1,500,000.00
Total Revenue	\$ -	\$ 6,621,683.31	\$ 6,621,683.31
EXPENSES:			
Claim Losses - TPA and TCB	0.00	1,489,481.90	1,489,481.90
Legal Expenses - TPA and TCB	54,832.10	1,029,461.94	1,084,294.04
Other Expenses - TPA and TCB	0.00	8,388.15	8,388.15
Administrative Expenses Paid	8,266.44	955,709.32	963,975.76
Transfer of Funds - Out	0.00	1,500,000.00	1,500,000.00
Total Expenses	\$ 63,098.54	\$ 4,983,041.31	\$ 5,046,139.85

-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	Tort Board	CCMSI	TOTAL
Claims - Payments	\$ 93,594.91	\$ 1,395,886.99	\$ 1,489,481.90
Claims - Legal Expenses	1,061,100.73	23,193.31	\$ 1,084,294.04
Claims - Other Expenses	-	8,388.15	\$ 8,388.15
Total Paid Out to Date	\$ 1,154,695.64	\$ 1,427,468.45	\$ 2,582,164.09

NOTE: Information represents combined operations for Treasury Fund 3081 and the Trustmark account (utilized by CCMSI).

MISSISSIPPI TORT CLAIMS BOARD

Budget Comparison Report

Treasury Fund 3308100000

Fiscal Year 2019

Expenses:	Total Budget	LAPSE	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 565,028.00	\$ -	\$ 559,067.97	\$ 5,960.03	98.95%
A2-Travel	4,000.00	0.00	1,563.07	2,436.93	39.08%
B-Contractual	1,629,129.00	63,009.80	1,437,632.44	191,496.56	88.25%
C-Commodities	7,000.00	88.74	5,817.21	1,182.79	83.10%
D2-Capital Outlay	2,049.00	0.00	49.00	2,000.00	2.39%
D3-Vehicles	20,822.00	0.00	20,822.00	0.00	100.00%
E-Subsidies	4,300,000.00	0.00	1,593,594.91	2,706,405.09	37.06%
SUBTOTAL	<u>\$ 6,528,028.00</u>	<u>\$ 63,098.54</u>	<u>\$ 3,618,546.60</u>	<u>\$ 2,909,481.40</u>	<u>55.43%</u>
TPA Expended		<u>0.00</u>	<u>1,427,593.25</u>		
TOTAL Expended		<u>\$ 63,098.54</u>	<u>\$ 5,046,139.85</u>		

MISSISSIPPI TORT CLAIMS BOARD
Combined Financial Report - Fiscal Year 2020
Fund 3308100000

-----CASH FLOW ANALYSIS-----

	<u>July</u>	<u>August</u>	<u>Year-To-Date</u>
REVENUE:			
Assessments Received	0.00	0.00	0.00
Interest	15.90	6,680.62	6,696.52
Investment Interest	8,847.70	34,960.49	43,808.19
Sale of Scrap	0.00	1,250.00	1,250.00
Transfer In Funds	500,000.00	250,000.00	750,000.00
Total Revenue	\$ 508,863.60	\$ 292,891.11	\$ 801,754.71
EXPENSES:			
Claim Losses - TCB and TPA	353,893.21	101,797.39	455,690.60
Legal Expenses - TCB and TPA	5,026.65	31,821.45	36,848.10
Other Expenses - TCB and TPA	974.00	1,522.30	2,496.30
Administrative Expenses Paid	48,720.98	61,109.63	109,830.61
Transfer of Funds - Out	500,000.00	250,000.00	750,000.00
Total Expenses	\$ 908,614.84	\$ 446,250.77	\$ 1,354,865.61
FUNDS ON HAND:			
Beginning Balance	\$ 15,667,129.23	\$ 15,267,377.99	
Revenue	508,863.60	292,891.11	
Expenses	(908,614.84)	(446,250.77)	
Adjustments (LAPSE PERIOD)	0.00	(63,098.54)	
Total Funds	\$ 15,267,377.99	\$ 15,050,919.79	
Cash in Treasury	\$ 2,393,023.59	\$ 2,027,146.26	
Investment in Treasury	12,553,869.25	12,549,716.89	
TPA Trustmark Bank Balance	320,485.15	474,056.64	
Total Funds By Account	\$ 15,267,377.99	\$ 15,050,919.79	
Less Reserves	\$ 6,648,854.24	\$ 7,215,794.93	
Unencumbered Funds Available	\$ 8,618,523.75	\$ 7,835,124.86	

-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	MTCB	CCMSI	TOTAL
Claims - Payments	\$ 18,101.97	\$ 437,588.63	\$ 455,690.60
Claims - Legal Expenses	33,670.60	3,177.50	36,848.10
Claims - Other Expenses	-	2,496.30	2,496.30
Total Paid Out to Date	\$ 51,772.57	\$ 443,262.43	\$ 495,035.00
OUTSTANDING RESERVES	402,206.51	6,813,588.42	7,215,794.93
Total Claims & Reserves	\$ 453,979.08	\$ 7,256,850.85	7,710,829.93
Number of Claims Created	103	85	188
Number of Claims Paid	51	59	110
Total Open Claims	172	353	525
AVG. CLAIM \$ / # CLAIMS PAID	\$354.94	\$7,416.76	\$ 4,142.64
AVG. RESERVE / OPEN CLAIMS	\$2,338.41	\$19,301.95	\$ 13,744.37

NOTE: Information represents combined operations for Treasury Fund 3081 and the Trustmark account (utilized by CCMSI).

MISSISSIPPI TORT CLAIMS BOARD

Budget Comparison Report

Treasury Fund 3308100000

Fiscal Year 2020

Expenses:	Total Budget	July 2019	August 2019	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 586,647.00	\$ 48,424.66	\$ 49,285.71	\$ 97,710.37	\$ 488,936.63	16.66%
A2-Travel	4,000.00	0.00	0.00	0.00	4,000.00	0.00%
B-Contractual	1,650,000.00	2,626.65	42,482.00	45,108.65	1,604,891.35	2.73%
C-Commodities	7,000.00	287.82	377.72	665.54	6,334.46	9.51%
D2-Capital Outlay	2,000.00	0.00	0.00	0.00	2,000.00	0.00%
E-Subsidies	4,300,000.00	509,354.89	258,747.08	768,101.97	3,531,898.03	17.86%
SUBTOTAL	<u>\$ 6,549,647.00</u>	<u>\$ 560,694.02</u>	<u>\$ 350,892.51</u>	<u>\$ 911,586.53</u>	<u>\$ 5,638,060.47</u>	<u>13.92%</u>
TPA Expended		<u>347,920.82</u>	<u>95,358.26</u>	<u>443,279.08</u>		
TOTAL Expended		<u>\$ 908,614.84</u>	<u>\$ 446,250.77</u>	<u>\$ 1,354,865.61</u>		

TRINITY

TRINITY CAPITAL INVESTORS

September 4, 2019

Ms. Lea Ann McElroy
Mississippi Tort Claims Board
P O Box 267
Jackson, MS 39205-0267

Re: August 2019 Portfolio Highlights

Total Portfolio	Book Value	\$12,578,818
	Market Value	\$12,567,538
2019 YTD Internal Rate of Return		1.66%
Current Portfolio Book Yield		2.18%
Market Yield		1.77%
Weighted Average Life		Approximately 2 years
YTD 2019 Earnings		148,521
Accrued Interest		43,147



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
STEPHEN C. EDDS, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
MARSHALL L. FISHER, Commissioner
Department of Public Safety
LYNN FITCH, Treasurer
Department of Treasury

JIM HOOD, Attorney General
Office of Attorney General
LAURA D. JACKSON, Executive Director
Department of Finance and Administration
GARY RIKARD, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Steve Milner
DATE: September 12, 2019
RE: Loss Control Report

Since the last Board Meeting, loss control services for the Tort Claims Board include:

- 25 State Property/Leased Property Inspections
- 4 Defensive Driving Classes
- 3 Accident Investigations
- 2 Highway Construction Safety Assessments
- 1 Pre State Fair Risk Management Consultation
- 1 Risk Management Orientation
- 3 Ride-A-Longs



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Office of Attorney General
LAURA D. JACKSON, Executive Director
Department of Finance and Administration
GARY RIKARD, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Lea Ann McElroy
DATE: September 12, 2019
RE: Additions to Defense Attorney List

RECOMMENDATION: Staff recommends approval of (1) attorney for inclusion on Defense Attorney List

Honorable Elliott V. Haller
Maxey Wann Attorney at Law
Jackson, Mississippi 39201



MAXEY WANN
ATTORNEYS AT LAW

August 13, 2019

RECEIVED
AUG 14 2019

MS Tort Claims Board

Via U. S. Mail & Electronic Mail

Attn: Bruce Donaldson
Mississippi Tort Claims Board
PO Box 267
501 North West Street, Suite 1301-C
Jackson, Mississippi 39201
Bruce.Donaldson@dfa.ms.gov

Re: Request to be Added to the Tort Claims Approved Attorney Register

Honorable Members of the Mississippi Tort Claims Board:

My name is Elliott V. Haller and I would request that I be added to the Tort Claims Approved Attorney Register. I graduated from Mississippi College School of Law in 2012 and was admitted to practice the same year. After graduation, I spent two years working as a staff attorney for the Mississippi Department of Transportation. After that, I joined the firm of Maxey Wann PLLC, where my practice focuses on insurance defense work.

My experience as an attorney at the Mississippi Department of Transportation gives me special experience and insight into how state agencies work and their legal needs. This insight would help me to represent the State of Mississippi in tort actions. During those two years at the Mississippi Department of Transportation, I worked with outside counsel defending the State of Mississippi as well as representing the State of Mississippi myself in a variety of defense matters.

I am currently in good standing with the Mississippi Bar Association.

I have attached a resume so that you can assess my qualifications. If you have any questions, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,

MAXEY WANN PLLC

BY: 

Elliott V. Haller

EVH:hdd
Enclosure

ELLIOTT V. HALLER

46 PEACHTREE LANE • MADISON, MISSISSIPPI 39110
PHONE: 601-559-8094 • E-MAIL: ELLIOTT@MAXEYWANN.COM

PROFESSIONAL EXPERIENCE

MAXEY WANN PLLC, Jackson, Mississippi

Associate Attorney, June 2015-Present

- Practicing in the area of insurance defense
- Taking and defending depositions
- Engaging in pre-litigation consultations with insurers and claims adjusters
- Participating in all aspects of trial preparation
- Drafting discovery
- Reviewing medical records and other discovery
- Negotiating on behalf of insurers, routinely settling all cases well below policy limits
- Attending and arguing hearings in both state and federal courts, including successfully arguing and advancing a motion for summary judgment in a slip-and-fall case in Leflore County, a venue that is notoriously hostile to insurers
- Writing motions
- Trial experience
- Extensive experience in administrative law, including successfully representing agencies, employees and contractors
- Drafting health insurance policies and privacy policies
- Defending parties in agency procurement work, including representing a successful bidder during a \$20 million contract award dispute

MISSISSIPPI DEPARTMENT OF TRANSPORTATION, Jackson, Mississippi

Human Resources Division

Staff Attorney, May 2013- June 2015

- Represented a state agency with 3,400 employees in all matters of Human Resources law
- Represented agency in Title VII cases and before the EEOC
- Ensured agency compliance with both state and federal laws, including, *inter alia*: Fair Labor Standards Act, Family Medical Leave Act, pay and benefits, equal employment opportunity, and unemployment
- Monitored pending legislation for possible impact on the agency
- Participated in employee dispute resolution, discipline, investigations, and termination

PALMETTO BROKERS OF MISSISSIPPI, Jackson, Mississippi

Owner and President, August 2012-Present

- Ran startup in wine and liquor industry
- Oversaw compliance with state and federal regulations
- Wrote business plans for other, related startups
- Drafted legal memoranda and import-related business proposals
- Remained involved with operations, sales, and compliance as part-owner of a related wine brokerage firm

MARION COUNTY PROSECUTOR'S OFFICE, Indianapolis, Indiana

Legal Intern, May 2010- August 2010

- Managed petitions for post-conviction relief
- Drafted plea agreements for misdemeanors
- Conducted research for supervising attorneys on major felonies
- Prepared witnesses for trial

EDUCATION

SCHOOL OF LAW

MISSISSIPPI COLLEGE, Jackson, Mississippi

Juris Doctor, received May 2012

GPA: 3.2

Class Rank: 45/152

- Received American Jurisprudence Award for Evidence
- Dean's List

TRINITY COLLEGE

UNIVERSITY OF TORONTO, Ontario, Canada

Honours Bachelor of Arts, received May 2009

- Qualified for Academic Honours Degree
- Intercollegiate Men's Division II Soccer
- Logic 100 Tutor
- Worked a minimum of 15 hours a week while in school

AFFILIATIONS

- Licensed to practice law in the State of Mississippi
- Admitted to practice in the United States District Court for the Southern District of Mississippi
- Admitted to practice in the United States District Court for the Northern District of Mississippi

LANGUAGE SKILLS

- Proficient in German

COMMUNITY INVOLVEMENT

- Member at Chapel of the Cross Episcopal Church, Madison, Mississippi
- Jackson Young Lawyers
- Capitol Area Bar Association
- Wine Director for Mississippi Chaîne-de-Rôtisserie gastronomic society



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LAURA D. JACKSON, Executive Director
Department of Finance and Administration
GARY RIKARD, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Lea Ann McElroy
DATE: September 12, 2019
RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 51 political subdivisions shown on attached list.

MISSISSIPPI TORT CLAIMS BOARD

Thursday, September 12, 2019

Political Subdivisions Recommended for Renewal of Certificate of Coverage

Alcorn County Fire Services
Amory School District
Baldwyn Public School District
Calhoun County Volunteer Fire Department
Canton School District
Claiborne County School District
Clarksdale-Coahoma County Airport
Coahoma County School District
DeSoto County School District
East Jasper School District
Farmhaven Volunteer Fire Department
Forrest General Hospital
Greenville Public School District
Greenwood-Leflore Consolidated School District
Grenada School District
Hancock County School District
Harrison County School District
Hattiesburg Municipal Airport
Holly Springs School District
Holmes County School District
Humphreys County School District
Jackson Public School District
Lee County School District
Leflore County Board of Supervisors
Liberty Branch Volunteer Fire Department
Marshall County School District
Mississippi Levee Commissioners
Mississippi Municipal Liability Plan (Municipalities)
Natchez-Adams School District
Nettleton School District
North Bolivar Consolidated School District
North MS Commission on MI/MR dba Communicare
Northwest Mississippi Community College
Pontotoc City School District
Pontotoc County School District
Post 58 Fire Department
Simpson County School District
South Central Regional Medical Center
South Lee Volunteer Fire Protection District
Sunflower County Consolidated School District
Tunica County Board of Education
Tupelo Public School District

Union County School District
Union Volunteer Fire Department
Vicksburg Warren School District
Weems Community Mental Health Center Inc.
West Bolivar Consolidated School District
West Jasper County School District
West Point City Clerk
West Tallahatchie School District
Yazoo City Public Schools

Total 51